

Remarks/Arguments

Claims 1-24 are pending in the application. Of these claims, claims 1, 9, 13 and 21 are independent claims.

The Applicant thanks the Examiner for the telephonic interview conducted on March 10, 2009. During the interview, the Applicant's agent highlighted deficiencies in the rejection of claims 2, 3, 4 and 8 (and corresponding claims 14, 15, 16 and 20), all rejected under 35 USC 102(b) in the Final Action. The Examiner appeared to acknowledge these deficiencies and recommended filing a written response so that examination may be reopened. The present response has accordingly been prepared.

With respect to the rejection of claims 2 and 14 at page 23 of the Final Action (under heading B), the Applicant argued that the Examiner's interpretation of "minimized or maximized measure" in Ransom as constituting operational statuses is incorrect. The Applicant further noted that the only mention of errors in the cited portion of Ransom is in the context of reciting an objective of Ransom's power management system as a whole ("minimizing errors"). On this basis, the rejection of claims 2 and 14 was traversed.

With respect to the rejection of claims 3 and 15 at page 25 of the Final Action (under heading C), the Applicant noted that the substance of the Examiner's rejection was substantially identical to the Examiner's rejection of claims 2 and 14, except that the body of claim 3 was recited instead of claim 2. It was submitted that the rejection was therefore largely or wholly irrelevant to claim 3. It was further submitted that the paragraph of Ransom cited in the rejection (paragraph [0065]) failed to disclose or

suggest in any way “N messages most frequently received at said device”. On this basis, the rejection of claims 3 and 15 was traversed.

With respect to the rejection of claims 4 and 16 at page 8 of the Final Action, the Applicant argued that the excerpted paragraph [0097] of Ransom merely disclosed an Excel worksheet coupled with an IED and the displaying of real time data received directly from the IED. It was further argued that sending data to a worksheet does not disclose an operational status that is an “indication of a user interface screen currently displayed.” On this basis, the rejection of claims 4 and 16 was traversed.

With respect to the rejection of claims 8 and 20 at page 27 of the Final Action (under heading D), the Applicant initially noted that heading D appeared to recite features of claim 3 or 15 rather than claim 8 and 20. The Applicant further argued that the underlined text from Ransom paragraph [0097] merely described an exemplary IED as having memory. There is no suggestion that any indication of available memory is communicated. On this basis, the rejection of claims 8 and 20 was traversed.

For clarity, all of the above-noted traversals are reasserted in the present response.

The Applicant takes this opportunity to further note that, in the rejection of each of claims 2-12 in the Final Action, the Examiner stated “[r]eferring to claim [X] Ransom discloses all the limitations of [the same claim X] which is described above.” Yet, in each case, the Applicant can find no such description “above”.

By way of the present response, the independent claims have been amended in

two respects. Firstly, the independent claims have been amended to clarify that the wireless communication device is a mobile device. Secondly, a number of operational statuses as originally claimed, e.g., in dependent claims 2 to 8, are recited in the alternative. Corresponding amendments have been made to dependent claims. No new matter is believed to have been added by way of any of these amendments.

The Applicant submits that Ransom fails to disclose or suggest any of the operational statuses now recited in the independent claims. As a result, it is submitted that all of the independent claims, and by logical implication all claims depending therefrom, are novel over Ransom.

In view of the foregoing, favorable reconsideration and allowance of the application are earnestly solicited.

Respectfully submitted,



Peter Elyjiw
Registration No. 58,893

SMART & BIGGAR
438 University Avenue
Suite 1500, Box 111
Toronto, Ontario
Canada M5G 2K8

Telephone: (416) 593-5514
Facsimile: (416) 591-1690